



**Environmental
Protection Agency**

John R. Kasich, **Governor**
Mary Taylor, **Lt. Governor**
Scott J. Nally, **Director**

June 27, 2012

CERTIFIED MAIL

9171082133393715016170

Gerald Davis
Buckeye's Excavating
711 Jackson Street
Sarahsville, OH 43779

NOTICE OF VIOLATION

RE: Class V Injection Well Illegal Discharge

Dear Mr. Davis:

This letter is to inform you that Buckeye's Excavating must immediately cease injection of all motor vehicle waste fluids through floor drains and shop sinks connected to a septic system and or dry well. Discharge of waste fluids generated from the repair or maintenance of any motor vehicles is illegal pursuant to Ohio Administrative Code (OAC) Rule 3745-34-11(C).

A Class V motor vehicle disposal well is defined in OAC Rule 3745-34-01(RR) as follows: "Motor vehicle waste disposal well" means a well that has the potential to receive, receives, or has received fluids from vehicular repair or maintenance activities, such as an auto body repair shop, automotive repair shop, new and used car dealership, specialty repair shop (e.g. transmission and muffler repair shop), or any facility that does any vehicular repair work.

Ohio EPA's Division of Drinking and Ground Waters, Underground Injection Control (UIC) Program has contacted you previously concerning this illegal discharge to a Class V injection well through letters dated September 5, 2008 and November 10, 2009. On April 11, 2012, I visited your facility to speak with you concerning this situation but you were not available.

Pursuant to Rule 3745-34-11(C) of the Ohio Administrative Code (OAC), Buckeye's Excavating must immediately cease discharging all MVWD related fluids. All floor drains in areas where vehicle maintenance or repair occurs must be permanently plugged and any shop sinks must be disconnected from the septic system (or dry well).

There is an alternative to operating a "dry" shop (no floor drains or sinks). You may wish to consider connecting to a sanitary sewer or installing a holding tank to collect all fluids from the floor drains and sinks in your facility, however, you must first apply for and obtain a permit to install (PTI) from Ohio EPA's Division of Surface Water.

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Please contact Jack Knapp of Ohio EPA's Division of Surface Water – Southeast District Office at (740) 380-5268 for details.

Regardless of which option you choose, you must submit within thirty (30) days, a detailed closure plan and schedule for permanently disconnecting all floor drains and shop sinks from the septic system as required by OAC Rule 3745-34-11(O). Any soil, gravel, sludge, liquids, or other materials removed from or adjacent to the well during disconnection shall be disposed of or managed in accordance with all applicable federal, state, or local regulations or requirements.

Upon completion of the illegal Class V injection well closure, as the owner of an MWWD well, you must submit and certify a report to the Director that describes the closure activities. Pursuant to OAC Rule 3745-34-17(D), the certification must include the following statement:

"I certify under the penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Please be aware that enforcement action will escalate until this matter is resolved. Enforcement action may include Director's Findings and Orders which will include a suggested monetary penalty. Owners or operators of illegal and unpermitted disposal wells that fail to comply with Ohio's water pollution control laws and regulations are subject to civil penalties of up to \$25,000 under Ohio Revised Code Section 6111.99 plus the costs associated with meeting the terms and conditions of the Director's orders.

If you have any questions concerning the requirements of this letter you may contact me at (614) 644-2752.

Sincerely,



Valerie J. Orr
Class V Coordinator
Underground Injection Control Program
Division of Drinking and Ground Waters

Buckeye's 6.12.nov.DOC

cc: Lindsay C. Taliaferro III, UIC Manager
Jack Knapp, DSW-SEDO